

I. §119 Priority Documents

Applicant submits herewith certified copies of German priority application number 10116598.6 filed April 3, 2001 and German priority application number 10051798.6 filed October 18, 2000 along with their respective verified translations. Please enter these priority documents and their respective translations into the official record of this application.

II. Formal Objections

1. The drawings were objected to by the Office Action because the drawings did not show a brake disk, which was claimed in Claim 10. Applicant has cancelled Claim 10 without prejudice, thereby rendering the rejection moot. Withdrawal of the formal objection is therefore respectfully requested.

2. Paragraph [0017] of the specification was objected to by the Office Action because of the indefinite language "said." Applicant has reviewed the specification for such informalities and made the appropriate correction, where applicable.

Applicant has also corrected paragraph [0001], which contained improper English. The corrections to paragraphs [0001] and [0017] may be found above in clean form, as well as on a marked-up copy filed with the Amendment, as required by § 37 CFR 1.121(b)(iii). Applicant has also added new paragraph [0025]. No new matter has been added. Withdrawal of the formal objection is therefore respectfully requested.

3. Claims 11-18 were objected to because of informal claim language. Applicant has cancelled Claims 11-18 without prejudice, thereby rendering the rejection moot. Withdrawal of the formal objection is therefore respectfully requested.

III. The Claims Define Patentable Subject Matter.

1. Claims 10-18 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has cancelled Claims 10-18 without prejudice, thereby rendering the rejection moot. Withdrawal of the rejection is respectfully requested.

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2. Claims 10-17; 10-12, 17, and 18; and 10 and 16 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,829,555 to Adna et al., U.S. Patent No. 5,330,035 to Klimt et al., and U.S. Patent No. 4,537,288 to Stoka, respectively.

Applicant cancels Claims 10-18 without prejudice, thereby rendering the rejection moot. New Independent Claims 19 and 39-43 specifies, *inter alia*, a spring assembly having at least a

a first leg portion which is detachably hooked at a shackle portion of the first brake lining, wherein the shackle is shaped on a side of the first brake lining opposing the frictional lining and being secured to the back side of a carrier plate having a front side that carries a frictional lining in order to provide a point of force that radially overlaps a spring force that is exerted on a contact area of the first brake lining for actively lifting the actuating device after a braking application.

It is respectfully submitted that at least this feature is not disclosed, taught or suggested in the applied art. For at least this reason, new independent Claims 19 and 39-43 are allowable over the applied art, taken singly or in combination. Claims 20-38, which depend from Claim 19, are likewise allowable over the applied art.

Conclusion

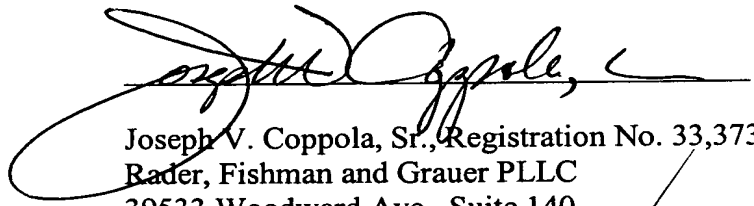
In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is earnestly solicited.

All rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

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Any fees associated with the filing of this paper should be identified in any accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph V. Coppola, Sr.", is written over a horizontal line. The signature is fluid and cursive.

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